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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/544,826	04/06/2000	Mathias Johansson	34646-00433USPT	9284

7590

07/08/2003

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EXAMINER

HOM, SHICK C

ART UNIT

PAPER NUMBER

2666

DATE MAILED: 07/08/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

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**Office Action Summary**

Application No.

09/544,826

Applicant(s)

JOHANSSON ET AL.

Examiner

Shick C Hom

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— The MAILING DATE of this communication appears on the cover sheet with the correspondence address —

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 06 April 2000.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-37 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-37 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

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#### **DETAILED ACTION**

##### ***Specification***

1. The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

##### ***Drawings***

2. The drawing is objected to because a brief descriptive label must be provided for each box and line shown, e.g. user equipment 12. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

##### ***Claim Objections***

3. Claims 2-5, 10-11, 13-16, 21-24, 29-30, and 32-34 are objected to because of the following informalities: In claims 2, 4, 5, 10, 11, 13, 14, 15 lines 2, 3, 3, 2, 2, 4, 3, 3, respectively, spell out acronyms by insert before "PDU," "PDUs," and "SDUs" the words ---Protocol Data Unit--- and ---Service Data

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Unit---; likewise, in claims 21, 23, 24, 29, 30, 31, 32, 33 lines 2, 3, 3, 2, 2, 4, 3, 3, respectively, before "PDU," "PDUs," and "SDUs" insert the words ---Protocol Data Unit--- and ---Service Data Unit---. In claims 3 and 22 line 2 the words "a status report" seem to refer back to "a status report" recited in claims 1 and 20 lines 4-5, respectively. If this is true, it is suggested changing "a status report" to ---the status report---. Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

4. Claim 16 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 16 line 3 which recite "a poll" is not clear as to whether it is reciting ---the polling request--- as recited in claim 1 line 3 or some other poll.

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under

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this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1, 3-8, 16-20, 22, 25-28, and 35-37 are rejected under 35 U.S.C. 102(b) as being anticipated by Sun (5,247,623).

Regarding claims 1 and 20:

Sun discloses the method and system for enabling error-free delivery of data between a plurality of peer entities (col. 6 line 35 to col. 7 line 7), comprising the steps of: a transmitting peer entity sending a polling request to a receiving peer entity, said polling request requesting a status report; and responsive to said polling request, said receiving peer entity sending said status report to said transmitting peer entity (col. 7 lines 8-21).

Regarding claims 3 and 22:

Sun discloses wherein the transmitting peer entity sends the polling request when a status report has not been received by the transmitting peer entity and a polling timer has timed out (col. 5 line 29 to col. 6 line 16 and col. 7 lines 8-21).

Regarding claims 6 and 25:

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Sun discloses wherein the transmitting peer entity sends the polling request when the transmitting peer entity has transmitted during a predefined portion of a transmitting window (col. 7 lines 8-21).

Regarding claims 7 and 26:

Sun discloses wherein the transmitting peer entity sends the polling request when the transmitting peer entity has transmitted during a predefined period of time (col. 3 lines 38-62).

Regarding claims 8 and 27:

Sun discloses wherein the transmitting peer entity defers sending said polling request for a predefined period of time (col. 3 lines 38-62 and col. 7 lines 8-21).

Regarding claim 16:

Sun discloses wherein the receiving peer entity transmits the status report to the transmitting peer entity responsive to receipt of a poll (col. 7 lines 8-21).

Regarding claims 17 and 35:

Sun discloses wherein the receiving peer entity transmits the status report to the transmitting peer entity when the transmitting peer entity has transmitted during a predefined portion of a transmitting window (col. 7 lines 8-21).

Regarding claims 18 and 36:

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Sun discloses wherein the receiving peer entity sends the status report during a predefined period of time (col. 3 lines 38-62).

Regarding claims 19 and 37:

Sun discloses wherein the receiving peer entity defers sending the status report for a predefined period of time (col. 3 lines 38-62 and col. 7 lines 8-21).

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made. This application currently names joint inventors. In

considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly

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owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103<sup>®</sup> and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

8. Claims 2, 4, 5, 8-14, 21, 23-24, and 27-34 rejected under 35 U.S.C. 103(a) as being unpatentable over Sun (5,247,623) in view of Safadi (5,847,751).

Sun discloses the method and system described in paragraph 6 of this office action.

Sun did not teach the transmitting peer entity sends the polling request when a last PDU in a transmission buffer is transmitted as in claims 2, 21; the predefined number of PDUs as in claims 4, 27; and the predefined number of SUDs as in claims 5, 24; the transmitting peer entity adjusts a transmission window parameter responsive to receiving the status report as in claims 9, 28; the transmitting peer entity retransmits at least one PDU responsive to receiving the status report as in claims 10, 29; the transmitting peer entity retransmits at least one PDU responsive to receiving the status report, if the status report is plausible as in claims 11, 30; the receiving peer entity transmits the status report to the transmitting peer



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entity if an estimated PDU counter is not counting, the receiving peer entity not sending the status report to the transmitting peer entity if the estimated PDU counter is counting as in claims 12, 31; the receiving peer entity transmits the status report to the transmitting peer entity if the receiving peer entity detects at least one missing or incorrectly received PDU as in claims 13, 32; the receiving peer entity transmits the status report to the transmitting peer entity when a predefined number of PDUs is received as in claims 14, 33; the receiving peer entity transmits the status report to the transmitting peer entity when a predefined number of SDUs is received as in claims 15, 34.

Safadi teaches that it is known to request diagnostic/status information; retransmit the request; and the step of adjusting the number of time slots, and increases the size of the frame, adjusts the spacing between time slots as set forth at col. 24 line 44 to col. 25 line 32 in the field of digital and multiplex communications for the purpose of distribution of broadcast and interactive digital services to consumer residences which clearly anticipate the transmitting peer entity adjusting a transmission window parameter responsive to receiving the status report as in claims 9, 28; the transmitting peer entity retransmitting responsive to receiving the status report as in claims 10, 29;

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the transmitting peer entity retransmitting responsive to receiving the status report, if the status report is plausible as in claims 11, 30. Further, col. 6 lines 26-49 which recite the broadcast digital services information includes ATM to AAL5-service data units SDU and col. 9 line 63 to col. 10 line 3 which recite forwarding AAL5-SDU protocol data units PDU to the STT central processing unit as well as the service stream to the other STT processing elements clearly anticipate the PDU in the transmission buffer being transmitted as in claims 2, 21; the predefined number of PDUs as in claims 4, 27; and the predefined number of SDUs as in claims 5, 24; the at least one missing or incorrectly received PDU as in claims 13, 32; the predefined number of PDUs being received as in claims 14, 33; and the predefined number of SDUs being received as in claims 15, 34. Col. 18 lines 1-34 which recite the four bit continuity counter field being an incremental counter which increments with each transport packet with the same PID clearly anticipate the receiving peer entity transmits the status report to the transmitting peer entity if an estimated PDU counter is not counting, the receiving peer entity not sending the status report to the transmitting peer entity if the estimated PDU counter is counting as in claims 12, 31.

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It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide PDU in a transmission buffer; the predefined number of PDUs; the predefined number of SUDs; adjusting a transmission window parameter responsive to receiving the status report; the transmitting peer entity retransmits at least one PDU responsive to receiving the status report; the transmitting peer entity retransmits at least one PDU responsive to receiving the status report, if the status report is plausible; the receiving peer entity transmits the status report to the transmitting peer entity if an estimated PDU counter is not counting, the receiving peer entity not sending the status report to the transmitting peer entity if the estimated PDU counter is counting; the receiving peer entity transmits the status report to the transmitting peer entity if the receiving peer entity detects at least one missing or incorrectly received PDU; the receiving peer entity transmits the status report to the transmitting peer entity when a predefined number of PDUs is received; and the receiving peer entity transmits the status report to the transmitting peer entity when a predefined number of SDUs is received as taught by Safadi to the system of Sun because Safadi teaches the desirable advantage of a higher degree of performance

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with using fiber-coax metropolitan area network for distributing services to consumer with the disclosed protocol, i.e. PDU, and said higher degree of performance being desirable to achieve more efficient system operation in Sun.

***Conclusion***

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Sojka discloses multiterminal communication system and method.

Cotie et al. disclose addressing system for simultaneously polling plural remote stations.

Tejima et al. disclose satellite communications system with random multiple access and time slot reservation.

10. **Any response to this nonfinal action should be mailed to:**

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

**or faxed to:**

(703) 872-9314, (for Technology Center 2600 only)

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Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington. VA., Sixth Floor (2600 Receptionist at (703) 305-4750).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shick Hom whose telephone number is (703) 305-4742. The examiner's regular work schedule is Monday to Friday from 8:00 am to 5:30 pm EST and out of office on alternate Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Seema Rao, can be reached at (703) 308-5463.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

SH

June 27, 2003

  
DANGTON  
PRIMARY EXAMINER